

SUBSTITUTE ORDINANCE NO. BL2016-378

An ordinance to amend Title 11 of the Metropolitan Code to institute a civil penalty for possession of one-half (½) ounce of marijuana or less.

WHEREAS, Tennessee Code Annotated § 39-17-418(a) & (b) makes it a misdemeanor for individuals to knowingly possess or casually exchange a small amount of marijuana not in excess of one-half (½) ounce; and

WHEREAS, the Metropolitan Council finds that when an individual's only offense is possession of marijuana, law enforcement should be afforded the discretion to determine whether criminal penalties and criminal records are disproportionate to the severity of the offense; and

WHEREAS, the Metropolitan Council finds that civil penalties and community service may be commensurate with the offense of possession of one-half (½) ounce or less of marijuana when that is the only chargeable offense.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 11.32 of the Metropolitan Nashville and Davidson County Code is hereby amended by creating a new section to read as follows:

11.32.030 - Possession of Marijuana in Certain Amounts

A. It is an offense for a person to knowingly possess a small amount of marijuana not in excess of one-half (½) ounce (14.175 grams).

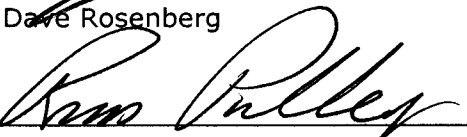
B. A police officer shall have the authority to issue a civil citation to persons found in violation of this section. The amount of the civil penalty shall be fifty dollars for each violation. The court may, in its discretion, suspend the civil penalty imposed under this subsection if the person found liable agrees to and does in fact perform such community service as the court deems appropriate, up to ten hours.

Section 2. That this Ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

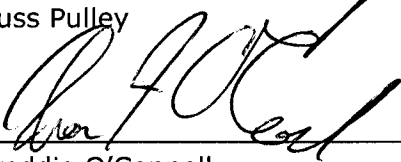
INTRODUCED BY:



Dave Rosenberg



Russ Pulley



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Members of Council

ORIGINAL

METROPOLITAN COUNTY COUNCIL

SUBSTITUTE Bill No. BL 2016-378

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Introduced _____

Passed First Reading _____

Amended _____

SUBSTITUTE
FILED & *Passed Second Reading* SEP - 6 2016

Passed Third Reading SEP 20 2016

Approved SEP 21 2016

By _____

Metropolitan Mayor

Advertised _____

Effective Date _____